

Hearing Date: TBD
Response Deadline: TBD

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

SEARS HOLDINGS CORPORATION, et al.,

Debtors.

SEARS HOLDINGS CORPORATION, et al.,

Plaintiffs,

v.

EDWARD SCOTT “EDDIE” LAMPERT, et al.,

Defendants.

Chapter 11

Case No. 18-23538 (RDD)

Adv. Proc. No. 19-08250 (RDD)

**NOTICE OF THE CYRUS DEFENDANTS’ MOTION TO DISMISS ALL COUNTS OF
THE FIRST AMENDED COMPLAINT AGAINST THEM
(COUNTS 24–27 AND COUNT 34)**

MILBANK LLP

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Attorneys for the Cyrus Defendants

PLEASE TAKE NOTICE that, upon the accompanying *Memorandum of Law in Support of the Cyrus Defendants' Motion to Dismiss All Counts of the First Amended Complaint Against Them (Counts 24–27 and Count 34)*, Defendants Cyrus Capital Partners, LP, Crescent 1, LP, Canary SC Fund, LP, CYR Fund, LP, CMH VI, LP, Cyrus Opportunities Master Fund II, Ltd., CRS Master Fund, LP, Canary SC Master Fund, LP, Cyrus Select Opportunities Master Fund, Ltd., Cyrus Special Strategies Master Fund, LP, and Cyrus 1740 Master Fund, LP (collectively, the “Cyrus Defendants”), by their undersigned counsel, hereby move before the Honorable Robert D. Drain, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York (the “Court”), 300 Quarropas Street, White Plains, NY 10601, at such time that the parties agree and the Court approves, for an order (a) dismissing with prejudice Counts 24–27 and Count 34 of the First Amended Complaint as against any of the Cyrus Defendants, pursuant to Federal Rule of Civil Procedure 12(b)(6), as incorporated by Federal Rule of Bankruptcy Procedure 7012, (b) dismissing with prejudice any Count asserted against any of the Cyrus Defendants on the grounds urged by any other Defendant in this action, to the extent applicable, and (c) granting the Cyrus Defendants such other, further, and different affirmative relief that the Court deems just and proper.

Dated: February 21, 2020

Respectfully submitted,

MILBANK LLP

By: /s/ Thomas R. Kreller
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